

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

ARTHUR M. DANSBURY, et al., :
Plaintiffs, :
v. : 3:12-CV-00391
EOG RESOURCES, INC., : (JUDGE MARIANI)
Defendant. :

ORDER

AND NOW, THIS 13TH DAY OF JUNE, 2014, upon consideration of Defendant's Motion to Dismiss Plaintiffs' Second Amended Complaint (Doc. 40), and in accordance with the Court's accompanying Memorandum Opinion, **IT IS HEREBY ORDERED THAT:**

1. The Motion to Dismiss (Doc. 40) is **GRANTED IN PART AND DENIED IN PART**, as follows:

a. The Slander of Title claim (Count II) is:

i. **DISMISSED WITH LEAVE TO AMEND** as it refers to the letter of June 21, 2011; and

ii. **ALLOWED TO PROCEED** as it refers to Defendant's filing of the unit designations with the Recorder of Deeds.

b. The Breach of Contract claim (Count III) is:

i. **DISMISSED WITHOUT LEAVE TO AMEND** as it refers to:

1. Defendant's failure to make delay rental payments, and

2. Defendant's failure to submit a proper notice of consolidation;

and

ii. **ALLOWED TO PROCEED** as it refers to:

1. Defendant's failure to test Plaintiffs' water supply, and
2. Defendant's breaches of the covenant of good faith and fair dealing and the doctrine of necessary implication.

c. The Unjust Enrichment claim (Count V) is **ALLOWED TO PROCEED**.

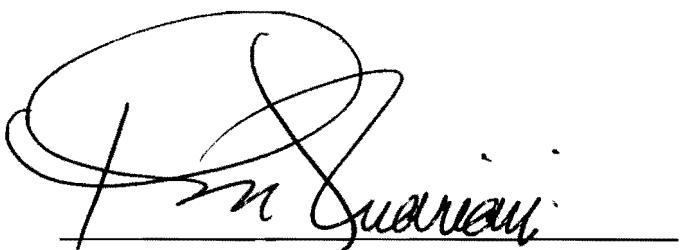
d. Any other aspect of Plaintiffs' Second Amended Complaint not specifically enumerated in this Order is **ALLOWED TO PROCEED**.

2. Plaintiffs are **GRANTED ADDITIONAL LEAVE TO AMEND** to:

- a. Reallege the dismissed aspects of their Breach of Contract claim under a proper cause of action, and
- b. Add any additional claims that the Court's Memorandum Opinion makes necessary.

3. Plaintiff shall have **FOURTEEN (14) DAYS** from the date of this Order to submit a

Third Amended Complaint.



A handwritten signature in black ink, appearing to read "Robert D. Mariani", is written over a horizontal line. The signature is fluid and cursive, with a large, stylized "R" at the beginning.

Robert D. Mariani
United States District Judge